

**CALENDAR ITEM
C43**

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S 2

04/20/17
PRC 5314.1
J. Toy

**AMENDMENT OF LEASE AND
REVISION OF RENT**

LESSEE:

Bon Air Seven Co. L.P., a California Limited Partnership

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Corte Madera Creek, adjacent to 875 South Eliseo Drive, near Greenbrae, Marin County.

AUTHORIZED USE:

Continued use and maintenance of a floating boat dock, access ramp, and cables.

LEASE TERM:

10 years, beginning June 1, 2012.

CONSIDERATION:

This lease provides that lessor may modify the rent periodically during the lease term. Pursuant to this provision, staff reviewed the rent under this lease and recommends that rent be revised from \$656 per year to \$727 per year, effective June 1, 2017.

PROPOSED AMENDMENT:

Amend the lease to replace the existing Exhibit A, Land Description, and Exhibit B, Site and Location Map, with the attached Exhibit A, Land Description, and Exhibit B, Site and Location Map (for reference purposes only). All other terms and conditions of the lease shall remain in effect without amendment.

STAFF ANALYSIS AND RECOMMENDATION:

Authority:

Public Resources Code sections 6005, 6216, 6301, 6501.1, and 6503.5;
California Code of Regulations, title 2, section 2000, subdivision (b).

CALENDAR ITEM NO. **C43** (CONT'D)

Public Trust and the State's Best Interests Analysis:

On March 29, 2012, the Commission authorized a 10-year General Lease – Recreational Use to Bon Air Seven Co. L.P., a California Limited Partnership, for a floating boat dock, access ramp, and cables ([Calendar Item C49, March 29, 2012](#)). That lease will expire on May 31, 2022.

The existing lease requires the payment of annual rent to compensate the people of the State for the use of sovereign land. Staff conducted the rent review called for in the lease and recommends the rent be revised from \$656 per year to \$727 per year based on changes to the lease (impact) area for the existing floating boat dock, access ramp, and cables; and application of the current San Francisco Bay Area Benchmark. Staff also recommends the lease be amended to reflect the new reduced lease area.

The lease does not alienate the State's fee simple interest or permanently impair public rights. The recommended action will not substantially interfere with the Public Trust needs at this time and at this location. For these reasons, staff recommends finding the proposed action is in the best interests of the State.

OTHER PERTINENT INFORMATION:

1. This action is consistent with Strategy 2.2 of the Commission's Strategic Plan to ensure timely receipt of revenues and royalties from the use and development of State lands and minerals.
2. Amendment of the lease to make an adjustment in the lease area and approving the revision of the rent are not projects as defined by the California Environmental Quality Act, because they are administrative actions that will not result in direct or indirect physical changes in the environment.

Authority: Public Resources Code section 21065 and California Code of Regulations, title 14, section 15378, subdivision (b)(5).

EXHIBITS:

- A. Land Description
- B. Site and Location Map

CALENDAR ITEM NO. **C43** (CONT'D)

RECOMMENDED ACTION:

It is recommended that the Commission:

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed amendment of Lease No. PRC 5314.1 will not substantially interfere with the Public Trust needs and values at this location and are in the best interests of the State.

AUTHORIZATION:

1. Authorize the amendment of Lease No. PRC 5314.1, a General Lease – Recreational Use, effective June 1, 2017, to replace the existing Exhibit A, Land Description, and Exhibit B, Site and Location Map, with the attached Exhibit A, Land Description, and Exhibit B, Site and Location Map (for reference purposes only).
2. Approve the revision of rent for Lease No. PRC 5314.1 from \$656 per year to \$727 per year, effective June 1, 2017.

EXHIBIT A

PRC 5314.1

LAND DESCRIPTION

A parcel of tide and submerged land lying in the bed of Corte Madera Creek, adjacent to Lot 311, as said lot is shown on that certain map entitled, "Map of Bon Air Sub. No. Eight and Resubdivision of Lots 200 and 201 Bon Air Sub. No. Seven", said map filed in the office of the County Recorder of County of Marin on July 9, 1969, in Volume 14 of Maps at page 56, State of California, more particularly described as follows:

BEGINNING at the most southerly corner of said Lot 311; thence southeasterly along the southeasterly prolongation of the westerly line of said Lot to the intersection with a line parallel with and 10 feet southeasterly of the most southeasterly edge of an existing Boat Dock; thence northeasterly along said parallel line to the intersection with a line parallel with and 10 feet northeasterly of the most northeasterly edge of said Boat Dock; thence northwesterly along said parallel line to a point on the Corte Madera Canal Line, as said Canal Line is shown on that certain map entitled, "Map of State Sovereign Lands in Corte Madera Creek, Vicinity of Green Brae, Marin County, California", said map on file in the Sacramento Office of the California State Lands Commission; thence southwesterly along said Canal Line to the POINT OF BEGINNING.

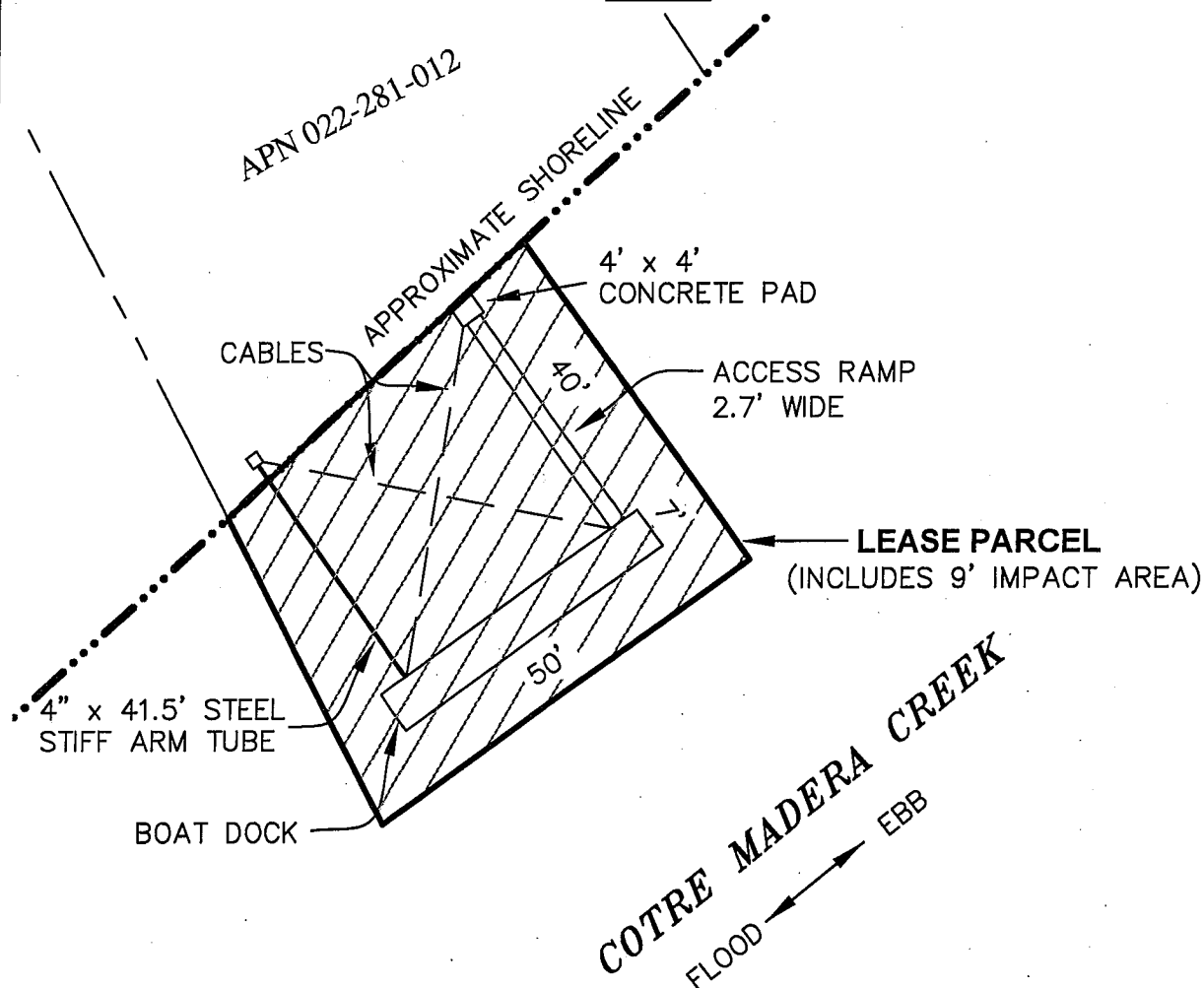
END OF DESCRIPTION

Prepared 2/1/2012 by the California State Lands Commission Boundary Unit.



NO SCALE

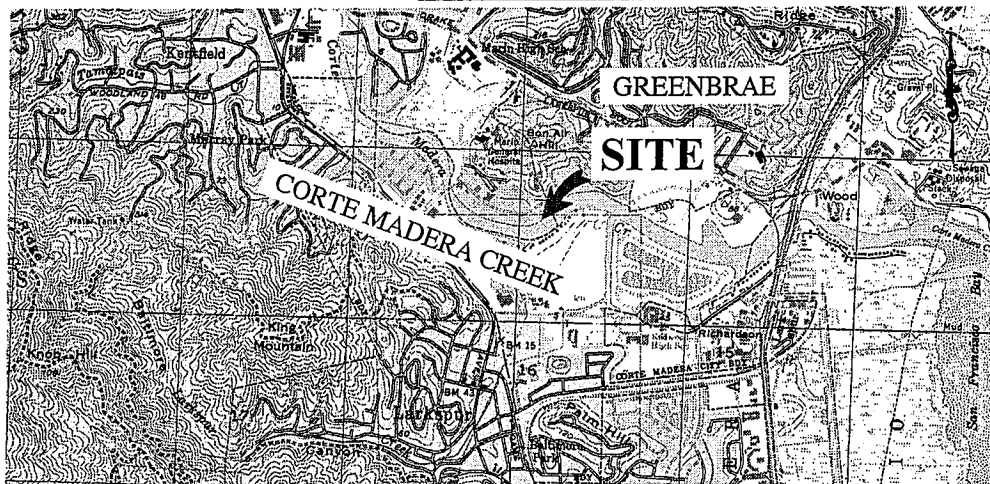
SITE



875 SOUTH ELISEO DRIVE, GREENBRAE

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

Exhibit B

PRC 5314.1

BON AIR SEVEN CO., L.P.

APN 022-281-012

GENERAL LEASE -
RECREATIONAL USE
MARIN COUNTY



DJF 02/23/2017